



February 2, 2007

SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 1, 2007 10:52 am - DI 71)

Citations Affected: IC 2-5; IC 8-15; IC 8-15.5; IC 8-15.7; IC 8-23; noncode.

Synopsis: Indiana Commerce Connector and Illiana Expressway. For purposes of the statute concerning tollways, permits the designation of the Indiana Commerce Connector, the Illiana Expressway, or both (instead of a part of Interstate Highway 69) as a tollway. For purposes of the statute governing public-private agreements concerning toll roads, deletes the prohibition against a public-private agreement (without legislative authorization) that would permit an operator to impose tolls for the operation of motor vehicles. For purposes of the statute governing public-private agreements by the department of transportation: (1) authorizes public-private agreements for the Indiana Commerce Connector, the Illiana Expressway, or both (instead of a part of Interstate Highway 69); and (2) deletes the current authority for offerors that submit a proposal on a project that consists in whole or in part of a tollway to submit alternative proposals based upon the assumption that a different part or none of the project will consist of a tollway. For purposes of the statute governing the designation of state highways as tollways, permits the designation of the Indiana Commerce Connector, the Illiana Expressway, or both (instead of a part of Interstate Highway 69) as a tollway without legislative authorization. Creates legislative review committees for proposals concerning the Indiana Commerce Connector and the Illiana Expressway.

Effective: Upon passage; July 1, 2007.

Wyss, Landske, Becker, Delph,
Merritt, Rogers, Howard, Tallian

January 11, 2007, read first time and referred to Committee on Homeland Security, Transportation & Veterans Affairs.
February 1, 2007, amended, reported favorably — Do Pass.

SB 1—LS 7790/DI 44+



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February 2, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 28. Illiana Highway Proposal Review Committee**

5 **Sec. 1. As used in this chapter, "committee" refers to the Illiana**
6 **highway proposal review committee established by section 2 of this**
7 **chapter.**

8 **Sec. 2. The Illiana highway proposal review committee is**
9 **established.**

10 **Sec. 3. (a) The committee consists of eight (8) voting members**
11 **appointed as follows:**

12 **(1) Four (4) members of the senate, not more than two (2) of**
13 **whom may be from the same political party, to be appointed**
14 **by the president pro tempore of the senate.**

15 **(2) Four (4) members of the house of representatives, not**
16 **more than two (2) of whom may be from the same political**
17 **party, to be appointed by the speaker of the house of**

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representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

(1) Jasper County.

(2) Lake County.

(3) LaPorte County.

(4) Newton County.

(5) Porter County.

(6) Starke County.

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

(1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed Illiana highway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed Illiana highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

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1 **Sec. 9. The legislative services agency shall provide staff support**
 2 **for the committee.**

3 **Sec. 10. Each member of the committee appointed under this**
 4 **chapter is entitled to receive the same per diem, mileage, and travel**
 5 **allowances paid to members of the general assembly serving on**
 6 **legislative study committees established by the legislative council.**

7 **Sec. 11. Representatives of the Indiana department of**
 8 **transportation shall testify before the committee upon request of**
 9 **the chairperson concerning the following:**

10 (1) **An update on the status concerning the proposed Illiana**
 11 **highway project.**

12 (2) **An update on a financial feasibility study concerning the**
 13 **proposed Illiana highway project, including the following:**

14 (A) **Projections for acquisition costs and eminent domain**
 15 **issues.**

16 (B) **Expected use of the proposed highway and any toll**
 17 **revenues.**

18 (C) **Expected construction costs.**

19 (D) **Information sufficient for the committee to evaluate**
 20 **the proposed highway and possible revenue returns.**

21 (E) **Any other information concerning the feasibility study**
 22 **requested by the committee.**

23 (3) **Information concerning the department's request for**
 24 **qualifications for the proposed Illiana highway project and**
 25 **the status of the request.**

26 (4) **The department's proposed route for the Illiana highway,**
 27 **including the following:**

28 (A) **Traffic projections showing expected use and relief of**
 29 **congestion.**

30 (B) **Alternative routes.**

31 (C) **Environmental impacts.**

32 (D) **Economic impact studies on the proposed route and**
 33 **affected areas.**

34 (5) **Any other information requested by the committee.**

35 (6) **Any final proposal for the Illiana highway made by the**
 36 **department.**

37 **SECTION 2. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS**
 38 **A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON**
 39 **PASSAGE]:**

40 **Chapter 29. Commerce Connector Highway Proposal Review**
 41 **Committee**

42 **Sec. 1. As used in this chapter, "committee" refers to the**

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commerce connector highway proposal review committee established by section 2 of this chapter.

Sec. 2. The commerce connector highway proposal review committee is established.

Sec. 3. (a) The committee consists of eight (8) voting members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

(1) Hancock County.

(2) Hendricks County.

(3) Johnson County.

(4) Madison County.

(5) Marion County.

(6) Morgan County.

(7) Shelby County.

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

(1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed commerce connector highway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the

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proposed commerce connector highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 9. The legislative services agency shall provide staff support for the committee.

Sec. 10. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on legislative study committees established by the legislative council.

Sec. 11. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson concerning the following:

(1) An update on the status of the proposed commerce connector highway project.

(2) An update on a financial feasibility study concerning the proposed commerce connector highway, including the following:

(A) Projections for acquisition costs and eminent domain issues.

(B) Expected use of the proposed highway and any toll revenues.

(C) Expected construction costs.

(D) Information sufficient for the committee to evaluate the proposed highway and possible revenue returns.

(E) Any other information concerning the feasibility study requested by the committee.

(3) Information concerning the department's request for qualifications for the proposed commerce connector highway and the status of the request.

(4) The department's proposed route for the commerce connector highway, including the following:

(A) Traffic projections showing expected use and relief of

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congestion.

(B) Alternative routes.

(C) Environmental impacts.

(D) Economic impact studies on the proposed route and affected areas, including an economic impact study on Marion County.

(5) Any other information requested by the committee.

(6) Any final proposal for the commerce connector highway made by the department.

SECTION 3. IC 8-15-3-9, AS AMENDED BY P.L.47-2006, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) Subject to subsection (e), the governor must approve the location of any tollway.

(b) The department may, in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, water lines, and other utilities if these improvements are:

(1) adjacent or appurtenant to a tollway; or

(2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

(1) is adjacent to, appurtenant to, or interchanges with a tollway; or

(2) intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

(1) Approve the location of a tollway, other than ~~Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740);~~

either or both of the following:

(A) The Indiana Commerce Connector, a limited access

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1 facility beginning at Interstate Highway 69 in Madison
 2 County and ending at Interstate Highway 70 in Hendricks
 3 County or Morgan County.

4 (B) The Illiana Expressway, a limited access facility
 5 connecting Interstate Highway 94 in northwestern Indiana
 6 with Interstate Highway 57 in Illinois.

7 (2) Carry out construction for Interstate Highway 69 in a township
 8 having a population of more than seventy-five thousand (75,000)
 9 and less than ninety-three thousand five hundred (93,500).

10 (3) Impose tolls on motor vehicles for use of the part of an
 11 interstate highway that connects a consolidated city and a city
 12 having a population of more than eleven thousand five hundred
 13 (11,500) but less than eleven thousand seven hundred forty
 14 (11,740).

15 SECTION 4. IC 8-15.5-1-2, AS ADDED BY P.L.47-2006,
 16 SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2007]: Sec. 2. (a) This article contains full and complete
 18 authority for public-private agreements between the authority and a
 19 private entity. Except as provided in this article, no law, procedure,
 20 proceeding, publication, notice, consent, approval, order, or act by the
 21 authority or any other officer, department, agency, or instrumentality
 22 of the state or any political subdivision is required for the authority to
 23 enter into a public-private agreement with a private entity under this
 24 article, or for a toll road project that is the subject of a public-private
 25 agreement to be constructed, acquired, maintained, repaired, operated,
 26 financed, transferred, or conveyed.

27 ~~(b) Notwithstanding any other law, after August 1, 2006, neither the~~
 28 ~~authority nor the department may:~~

- 29 ~~(1) issue a request for proposals for; or~~
 30 ~~(2) enter into;~~

31 ~~a public-private agreement under this article that would authorize an~~
 32 ~~operator to impose tolls for the operation of motor vehicles on all or~~
 33 ~~part of a project, unless the general assembly adopts a statute~~
 34 ~~authorizing the imposition of tolls.~~

35 ~~(c)~~ (b) Notwithstanding any other law, neither the authority nor an
 36 operator may carry out any of the following activities under this article
 37 unless the general assembly enacts a statute authorizing that activity:

38 (1) Carrying out construction for Interstate Highway 69 in a
 39 township having a population of more than seventy-five thousand
 40 (75,000) and less than ninety-three thousand five hundred
 41 (93,500).

42 (2) Imposing tolls on motor vehicles for use of the part of an

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interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 5. IC 8-15.7-1-5, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, the department, the authority, or an operator may not carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

(1) Issuing a request for proposals for, or entering into, a public-private agreement concerning a project other than ~~Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64;~~ **either or both of the following:**

(A) The Indiana Commerce Connector, a limited access facility beginning at Interstate Highway 69 in Madison County and ending at Interstate Highway 70 in Hendricks County or Morgan County.

(B) The Illiana Expressway, a limited access facility connecting Interstate Highway 94 in northwestern Indiana with Interstate Highway 57 in Illinois.

(2) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Imposing user fees on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 6. IC 8-15.7-4-2, AS ADDED BY P.L.47-2006, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section establishes the competitive proposal procedure that the department shall use to enter into a

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public-private agreement with an operator under this article.

(b) The department may pursue a competitive proposal procedure using a request for qualifications and a request for proposals process or proceed directly to a request for proposals.

(c) If the department elects to use a request for qualifications phase, it must provide a public notice of the request for qualifications, for the period considered appropriate by the department, before the date set for receipt of submittals in response to the solicitation. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, submittals in response to the solicitation may be solicited directly from potential offerors.

(d) The department shall evaluate qualification submittals based on the requirements and evaluation criteria set forth in the request for qualifications.

(e) If the department has undertaken a request for qualifications phase resulting in one (1) or more prequalified or shortlisted offerors, the request for proposals shall be limited to those offerors that have been prequalified or shortlisted.

(f) If the department has not issued a request for qualifications and intends to use only a one (1) phase request for proposals procurement, the department must provide a public notice of the request for proposals for the period considered appropriate by the department, before the date set for receipt of proposals. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, proposals may be solicited directly from potential offerors.

(g) The department shall submit a draft of the request for proposals to the budget committee for its review before the issuance by the department of the request for proposals to potential offerors. The request for proposals must:

- (1) indicate in general terms the scope of work, goods, and services sought to be procured;
- (2) contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement and the qualifying project;
- (3) specify the factors, criteria, and other information that will be used in evaluating the proposals;
- (4) specify any requirements or goals for use of:
 - (A) minority business enterprises and women's business enterprises certified under IC 4-13-16.5;

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- 1 (B) disadvantaged business enterprises under federal or state
 2 law;
 3 (C) businesses defined under IC 5-22-15-20.5 as Indiana
 4 businesses, to the extent permitted by applicable federal and
 5 state law and regulations; and
 6 (D) businesses that qualify for a small business set-aside under
 7 IC 4-13.6-2-11;
 8 (5) if all or part of the project will consist of a tollway, require any
 9 offeror to submit a proposal based upon that part of the project
 10 that will consist of a tollway, as set forth in the request for
 11 proposals; ~~and permit any offeror to submit one (1) or more~~
 12 ~~alternative proposals based upon the assumption that a different~~
 13 ~~part or none of the project will consist of a tollway;~~
 14 (6) contain or incorporate by reference the other applicable
 15 contractual terms and conditions; and
 16 (7) contain or incorporate by reference any other provisions,
 17 materials, or documents that the department considers
 18 appropriate.
 19 (h) The department shall determine the evaluation criteria that are
 20 appropriate for each project and shall set those criteria forth in the
 21 request for proposals. The department may use a selection process that
 22 results in selection of the proposal offering the best value to the public,
 23 a selection process that results in selection of the proposal offering the
 24 lowest price or cost or the highest payment to, or revenue sharing with,
 25 the department, or any other selection process that the department
 26 determines is in the best interests of the state and the public.
 27 (i) The department shall evaluate proposals based on the
 28 requirements and evaluation criteria set forth in the request for
 29 proposals.
 30 (j) The department may select one (1) or more offerors for
 31 negotiations based on the evaluation criteria set forth in the request for
 32 proposals. If the department believes that negotiations with the selected
 33 offeror or offerors are not likely to result in a public-private agreement,
 34 or, in the case of a best value selection process, no longer reflect the
 35 best value to the state and the public, the department may commence
 36 negotiations with other responsive offerors, if any, and may suspend,
 37 terminate, or continue negotiations with the original offeror or offerors.
 38 If negotiations are unsuccessful, the department shall terminate the
 39 procurement, may not award the public-private agreement, and may
 40 commence a new procurement for a public-private agreement. If the
 41 department determines that negotiations with an offeror have been
 42 successfully completed, the department shall, subject to the other

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requirements of this article, award the public-private agreement to the offeror.

(k) Before awarding a public-private agreement to an operator, the department shall schedule a public hearing on the proposed public-private agreement and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the agreement to be awarded.
- (4) The recommendation that has been made to award the agreement to an identified offeror or offerors.
- (5) The address and telephone number of the department.

(l) At the hearing, the department shall allow the public to be heard on the proposed public-private agreement.

(m) When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than one (1) offeror.

SECTION 7. IC 8-23-7-22, AS AMENDED BY P.L.47-2006, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

- (1) Determine that a highway other than ~~Interstate Highway 69~~ ~~between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740); either or both of the following~~ should become a tollway:

(A) The Indiana Commerce Connector, a limited access facility beginning at Interstate Highway 69 in Madison

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1 **County and ending at Interstate Highway 70 in Hendricks**
 2 **County or Morgan County.**

3 **(B) The Illiana Expressway, a limited access facility**
 4 **connecting Interstate Highway 94 in northwestern Indiana**
 5 **with Interstate Highway 57 in Illinois.**

6 (2) Carry out construction for Interstate Highway 69 in a township
 7 having a population of more than seventy-five thousand (75,000)
 8 and less than ninety-three thousand five hundred (93,500).

9 (3) Impose tolls on motor vehicles for use of the part of an
 10 interstate highway that connects a consolidated city and a city
 11 having a population of more than eleven thousand five hundred
 12 (11,500) but less than eleven thousand seven hundred forty
 13 (11,740).

14 SECTION 8. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 15 **SECTION, "committees" refers to the Illiana highway proposal**
 16 **review committee established by IC 2-5-28, as added by this act,**
 17 **and the commerce connector highway proposal review committee**
 18 **established by IC 2-5-29, as added by this act.**

19 (b) **Initial appointments to the committees shall be made not**
 20 **later than June 1, 2007.**

21 (c) **This SECTION expires December 31, 2008.**

22 SECTION 9. **An emergency is declared for this act.**

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SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 1.

WYSS

SENATE MOTION

Madam President: I move that Senator Deig be removed as coauthor of Senate Bill 1.

DEIG

SENATE MOTION

Madam President: I move that Senator Deig be removed as third author of Senate Bill 1.

DEIG

SENATE MOTION

Madam President: I move that Senators Merritt, Rogers and Howard be added as coauthors of Senate Bill 1.

WYSS

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 1.

WYSS

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COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 28. Illiana Highway Proposal Review Committee

Sec. 1. As used in this chapter, "committee" refers to the Illiana highway proposal review committee established by section 2 of this chapter.

Sec. 2. The Illiana highway proposal review committee is established.

Sec. 3. (a) The committee consists of eight (8) voting members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

- (1) Jasper County.**
- (2) Lake County.**
- (3) LaPorte County.**
- (4) Newton County.**
- (5) Porter County.**
- (6) Starke County.**

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.



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(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

(1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed Illiana highway project.

(2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed Illiana highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five (5) members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 9. The legislative services agency shall provide staff support for the committee.

Sec. 10. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on legislative study committees established by the legislative council.

Sec. 11. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson concerning the following:

(1) An update on the status concerning the proposed Illiana highway project.

(2) An update on a financial feasibility study concerning the proposed Illiana highway project, including the following:

(A) Projections for acquisition costs and eminent domain issues.

(B) Expected use of the proposed highway and any toll revenues.

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- (C) Expected construction costs.
- (D) Information sufficient for the committee to evaluate the proposed highway and possible revenue returns.
- (E) Any other information concerning the feasibility study requested by the committee.
- (3) Information concerning the department's request for qualifications for the proposed Illiana highway project and the status of the request.
- (4) The department's proposed route for the Illiana highway, including the following:
 - (A) Traffic projections showing expected use and relief of congestion.
 - (B) Alternative routes.
 - (C) Environmental impacts.
 - (D) Economic impact studies on the proposed route and affected areas.
- (5) Any other information requested by the committee.
- (6) Any final proposal for the Illiana highway made by the department.

SECTION 2. IC 2-5-29 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 29. Commerce Connector Highway Proposal Review Committee

Sec. 1. As used in this chapter, "committee" refers to the commerce connector highway proposal review committee established by section 2 of this chapter.

Sec. 2. The commerce connector highway proposal review committee is established.

Sec. 3. (a) The committee consists of eight (8) voting members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be from the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be from the same political party, to be appointed by the speaker of the house of representatives.

(b) At least three (3) members appointed under subsection (a)(1) and at least three (3) members appointed under subsection (a)(2) must represent a legislative district located in whole or in part in at least one (1) of the following counties:

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- (1) Hancock County.
- (2) Hendricks County.
- (3) Johnson County.
- (4) Madison County.
- (5) Marion County.
- (6) Morgan County.
- (7) Shelby County.

(c) A vacancy on the committee shall be filled by the appointing authority.

Sec. 4. (a) The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of odd-numbered years.

(b) The speaker of the house of representatives shall appoint a member of the committee to serve as chairperson of the committee from January 1 through December 31 of even-numbered years.

Sec. 5. The committee shall do the following:

- (1) Take and review testimony and information provided to the committee by the Indiana department of transportation, other state agencies or federal agencies, and the public concerning the proposed commerce connector highway project.
- (2) Prepare a report to be submitted to the governor and to the legislative council in electronic format under IC 5-14-6 regarding the committee's determination of whether the proposed commerce connector highway project is recommended by the committee.

Sec. 6. The committee shall meet at the call of the chairperson.

Sec. 7. (a) Except as provided in subsection (b), the committee shall operate under the policies governing study committees adopted by the legislative council, including the requirement of filing an annual report in an electronic format under IC 5-14-6.

(b) The committee may meet at any time during the calendar year.

Sec. 8. (a) Five members of the committee constitute a quorum.

(b) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.

Sec. 9. The legislative services agency shall provide staff support for the committee.

Sec. 10. Each member of the committee appointed under this chapter is entitled to receive the same per diem, mileage, and travel

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allowances paid to members of the general assembly serving on legislative study committees established by the legislative council.

Sec. 11. Representatives of the Indiana department of transportation shall testify before the committee upon request of the chairperson concerning the following:

- (1) An update on the status of the proposed commerce connector highway project.**
- (2) An update on a financial feasibility study concerning the proposed commerce connector highway, including the following:**
 - (A) Projections for acquisition costs and eminent domain issues.**
 - (B) Expected use of the proposed highway and any toll revenues.**
 - (C) Expected construction costs.**
 - (D) Information sufficient for the committee to evaluate the proposed highway and possible revenue returns.**
 - (E) Any other information concerning the feasibility study requested by the committee.**
- (3) Information concerning the department's request for qualifications for the proposed commerce connector highway and the status of the request.**
- (4) The department's proposed route for the commerce connector highway, including the following:**
 - (A) Traffic projections showing expected use and relief of congestion.**
 - (B) Alternative routes.**
 - (C) Environmental impacts.**
 - (D) Economic impact studies on the proposed route and affected areas, including an economic impact study on Marion County.**
- (5) Any other information requested by the committee.**
- (6) Any final proposal for the commerce connector highway made by the department."**

Page 7, after line 29, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committees" refers to the Illiana highway proposal review committee established by IC 2-5-28, as added by this act, and the commerce connector highway proposal review committee established by IC 2-5-29, as added by this act.

(b) Initial appointments to the committees shall be made not later than June 1, 2007.

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(c) This SECTION expires December 31, 2008.

SECTION 9. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 1 as introduced.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 3.

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